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7 Attorneys for Creditor,
BRADLEY CONCRETE

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9 **UNITED STATES BANKRUPTCY COURT**
NORTHERN DISTRICT OF CALIFORNIA
10 **SAN FRANCISCO DIVISION**

11 In re:

12 PACIFIC GAS AND ELECTRIC
13 COMPANY,

14 Debtor.

15 Tax I.D. No. 94-0742640

Case No. 19-30089 (DM)

Chapter 11

**NOTICE OF PERFECTION OF
MECHANIC'S LIEN PURSUANT TO 11
U.S.C. § 546(b)**

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18 BRADLEY CONCRETE ("Bradley") files this Notice of Perfection of Mechanic's Lien
19 Pursuant to 11 U.S.C. § 546(b). In support of this notice, Bradley represents as follows:

20 1. Bradley is Northern California based concrete contractor with a principal place of
21 business at 853 Buckeye Court, Milpitas, CA 95035.

22 2. Debtor is the owner or reputed owner of real property located at the following
23 address:

24 A. PGE Larkin Street Substation Switchgear Bldg., 538 Eddy Street, San Francisco,
25 California 94109 (parcel block/lot no. 0335/037)

26 ("Real Property").

27 3. Bradley furnished labor and/or materials for concrete work in order to improve the
28 Real Property pursuant to Subcontract No. 2015224/033100/05 and Addendums A-C and F with

1 Plant Construction Company, L.P. (“Plant Construction”). Plant Construction furnished labor
2 and/or materials on the Project pursuant to Contract No. 2501463140 with the Debtor.

3 4. After deducting all just credits and offsets, the sum of \$383,571.00, together with
4 interest at the rate of 10% per annum from January 31, 2019 (the date when balance became due),
5 remains currently due and owing to Bradley Concrete by Debtor, by way of Plant Construction, for
6 labor and materials provided to the Debtor.

7 5. On or about March 5, 2019, Bradley timely filed and recorded a verified mechanics
8 lien claim in the official records of the County of San Francisco, under Document No.
9 2019K739493 (the “Mechanics Lien Claim”), pursuant to which Bradley holds a properly-
10 perfected security interest in the Real Property. A true and correct copy of the Mechanics Lien
11 Claim is attached as Exhibit “A” and incorporated by reference.

12 6. Under California law, to enforce the Mechanics Lien Claim, Bradley must
13 commence an action in California state court within 90 days after the recordation of its claim of
14 lien. Cal. Civ. Code § 8460. On January 29, 2019, Debtor filed its Chapter 11 petition with this
15 court (the “Petition”), effectively preventing Bradley from commencing an action in the California
16 courts to enforce and perfect its mechanics lien rights.

17 7. As provided by 11 U.S.C. § 362(b)(3):

18 “[t]he filing of a petition under section 301, 302, or 303 of this title,
19 . . . , does not operate as a stay-- . . . under subsection (a) of this
20 section, of any act to perfect, or to maintain or continue the
21 perfection of, an interest in property to the extent that the trustee’s
22 rights and powers are subject to such perfection under Section
23 546(b) of this title or to the extent that such act is accomplished
24 within the period provided under section 547(e)(2)(A) of this title.”
25 11 U.S.C. § 362(b)(3).

26 8. As provided by 11 U.S.C. § 546(b):

27 “(1) The rights and powers of a trustee under sections 544, 545, and
28 549 of this title are subject to any generally applicable law
that—

(A) permits perfection of an interest in property to be
effective against an entity that acquires rights in such
property before the date of perfection; or

(B) provides for the maintenance or continuation of
perfection of an interest in property to be effective
against an entity that acquires rights in such property
before the date on which action is taken to effect such

maintenance or continuation.

(2) If--

(A) a law described in paragraph (1) requires seizure of such property or commencement of an action to accomplish such perfection, or maintenance or continuation of perfection of an interest in property; and

(B) such property has not been seized or such an action has not been commenced before the date of the filing of the petition;

such interest in such property shall be perfected, or perfection of such interest shall be maintained or continued, by giving notice within the time fixed by such law for such seizure or such commencement.” 11 U.S.C. § 546(b).

9. The California mechanics lien law (Cal. Civ. Code § 8200) is a generally applicable law that is described in 11 U.S.C. § 546(b)(2)(A) and (B), and provides for the rights and remedies set forth in Section 546(b)(2)(A) and (B).

10. As noted above, Bradley was not able to commence an action to enforce the Mechanics Lien Claims before the filing of the Petition.

11. Accordingly, Bradley hereby gives notice in lieu of commencement of such actions to perfect, maintain and continue perfection of the interest of Mechanics Lien Claims in the Real Property pursuant to 11 U.S.C. § 546(b), including, but not limited to, the filing of a lawsuit to enforce and/or foreclose on the Mechanics Lien Claims, the filing of any Lis Pendens or the service of notice on purchasers of production from the Real Property. By virtue of this notice and applicable law, Bradley demands adequate protection of its interests in the Real Property.

12. Bradley reserves the right to supplement and/or amend this notice. Bradley further reserves all rights under applicable law.

Dated: March 20, 2019

VARELA, LEE, METZ & GUARINO, LLP

By: /s/ Andrew Van Ornum

Bennett J. Lee

Andrew Van Ornum

Berit L. Elam

Attorneys for Creditor,

BRADLEY CONCRETE

EXHIBIT A

RECORDING REQUESTED BY:

Varela, Lee, Metz & Guarino, LLP
333 Bush Street, Suite 1500
San Francisco, CA 94104

WHEN RECORDED RETURN TO:

Varela, Lee, Metz & Guarino, LLP
333 Bush Street, Suite 1500
San Francisco, CA 94104



San Francisco Assessor-Recorder
Carmen Chu, Assessor-Recorder
DOC- 2019-K739493-00

Check Number 4202

Tuesday, MAR 05, 2019 15:54:37

Ttl Pd \$95.00 Rcpt # 0005962726
OYY/YY/1-3

MECHANICS LIEN

Cal. Civ. Code §§ 8400 et seq.

PLEASE TAKE NOTICE THAT CLAIMANT Bradley Concrete whose address is 853 Buckeye Court, Milpitas, CA 95035, hereby claims a mechanics lien for work authorized for a work of improvement or site improvement as follows:

Description of the site sufficient for identification is:

PGE Larkin Street Substation Switchgear Bldg.
538 Eddy Street
San Francisco, CA 94109

0335/037

A general statement of the kind of work furnished by Claimant is:

Claimant has furnished work, labor, services, equipment or material for concrete work

Name and address of the owner or reputed owner, if known:

Pacific Gas & Electric
Electric Transmission Sourcing
1850 Gateway Blvd., 7th Floor
Concord, CA 94250

Claimant's demand, after deducting all just credits and offsets, is:

\$ 383,571.00

Dated: 3/5/19

Bradley Concrete

By: Benit Elam

Its: counsel

Name and address of the direct contractor:

Plant Construction Company, L.P.
300 Newhall Street
San Francisco, CA 94124

I, Benit Elam, am the counsel of Bradley Concrete and am authorized to execute this verification on its behalf. I have read the foregoing Mechanics Liens, know the context thereof, and the same is true of my personal knowledge.

Name and address of the construction lender, if any:

None

Name and address of the person by whom Claimant was employed or to whom Claimant furnished work, if other than the direct contractor:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 3/5/19, at San Francisco, CA.

Benit Elam
(Signature)

Name: Benit Elam

**NOTICE OF MECHANICS LIEN
ATTENTION!**

Upon the recording of the enclosed **MECHANICS LIEN** with the county recorder's office of the county where the property is located, your property is subject to the filing of a legal action seeking a court-ordered foreclosure sale of the real property on which the lien has been recorded. That legal action must be filed with the court no later than 90 days after the date the mechanics lien is recorded.

The party identified in the enclosed mechanics lien may have provided labor or materials for improvements to your property and may not have been paid for these items. You are receiving this notice because it is a required step in filing a mechanics lien foreclosure action against your property. The foreclosure action will seek a sale of your property in order to pay for unpaid labor, materials, or improvements provided to your property. This may affect your ability to borrow against, refinance, or sell the property until the mechanics lien is released.

BECAUSE THE LIEN AFFECTS YOUR PROPERTY, YOU MAY WISH TO SPEAK WITH YOUR CONTRACTOR IMMEDIATELY, OR CONTACT AN ATTORNEY, OR FOR MORE INFORMATION ON MECHANICS LIENS GO TO THE CONTRACTORS' STATE LICENSE BOARD WEB SITE AT www.cslb.ca.gov.

PROOF OF SERVE AFFIDAVIT

Cal. Civ. Code §§ 8400 et seq.

I, Harley Chea, declare that this Mechanic's Lien was served on the persons, in the manner and at the date and place set forth below:

Pacific Gas & Electric
Electric Transmission Sourcing
1850 Gateway Blvd., 7th Floor
Concord, CA 94250

Owner or Reputed Owner


Plant Construction Company, L.P.
300 Newhall Street
San Francisco, CA 94124

Direct Contractor / Company to Whom Claimant Furnished Work

- ☐ FIRST-CLASS MAIL: by placing the document in a sealed envelope with postage fully prepaid and depositing the envelope in the United State mail by first-class mail.
- ☒ REGISTERED, CERTIFIED OR EXPRESS MAIL: by placing the document in a sealed envelope with postage fully prepaid and depositing the envelope in the United States mail by registered, certified or express mail.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 5th of March, 2019 at San Francisco, CA.


(Signature)
Name: Harley Chea